

states that a second reference, the Matsuda patent, discloses the features of each of claim 5 and 6. While it is unclear as to whether or not claims 5 and 6 are rejected as anticipated by the Zumeris patent, or rejected as being obvious over the Zumeris patent combined with the Matsuda patent, the following will show that claims 5 and 6 are each distinguished over any of the Zumeris patent, the Matsuda patent, or any combination of the two.

As stated above with reference to the argument for claim 1, the Zumeris patent does not disclose or suggest a compression element as required by claim 1. Similarly, the Matsuda patent also does not disclose or suggest a compression member for pressing the drive member against the driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent contact state to a normal contact state. Therefore, whether the Zumeris patent or the Matsuda patent are taken separately or in combination, they do not disclose a compression member as required by claim 1. Thus, dependent claims 5 and 6 can neither be anticipated nor rendered obvious by the Zumeris patent, the Matsuda patent, or any combination of these two references.

Accordingly, it is respectfully requested that the rejection of claims 1 and 4-6 under 35 U.S.C. § 102(b), as being anticipated by the Zumeris patent, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

Claims 2 and 3

The rejection of claims 2 and 3 under 35 U.S.C. § 103(a), as being unpatentable over the Zumeris patent in view of common knowledge in the art, is respectfully traversed based on the following.

Claim 2 and claim 3 depend from claim 1, and as stated above with reference to the argument for claim 1, the Zumeris patent fails to disclose or suggest a compression member for pressing a drive member against a driven member such that the drive member

and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent contact state to a normal contact state.

The addition of common knowledge in the art does not disclose or suggest this deficient feature of the Zumeris patent. More specifically, one of ordinary skill in the art finds no motivation or suggestion to provide an actuator including a compression member for pressing a drive member against a driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent contact state to a normal contact state.

Thus, like the Zumeris patent, common knowledge in the art fails to disclose or suggest a compression member as required by claim 1.

As the compression member required by claim 1 is neither disclosed nor suggested by the Zumeris patent or common knowledge in the art, claim 1 could not be rendered obvious by the Zumeris patent in view of common knowledge in the art. Claims 2 and 3 depend from claim 1; therefore, dependent claims 2 and 3 could not be rendered obvious by the Zumeris patent in view of common knowledge in the art.

Accordingly, it is respectfully requested that the rejection of claims 2 and 3 under 35 U.S.C. § 103(a), as being unpatentable over the Zumeris patent in view of common knowledge in the art, be reconsidered and withdrawn.

Claims 7 and 10-12

The rejection of claims 7 and 10-12 under 35 U.S.C. § 103(a), as being unpatentable over the Zumeris patent in view of the Matsuda patent, is respectfully traversed based on the following.

Claim 7 requires a compression member for pressing a drive member against a driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent

contact state to a normal contact state. As discussed above with reference to claim 1, the Zumeris patent does not disclose or suggest this feature.

On the other hand, although the Matsuda patent does disclose a truss type actuator having two piezoelectric devices, the Matsuda patent, like the Zumeris patent, does not disclose or suggest a compression member for pressing a drive member against a driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent contact state to a normal contact state. Accordingly, both the Zumeris patent and the Matsuda patent fail to disclose or suggest a compression member as required by claim 7. Therefore, claim 7 could not be rendered obvious by any combination of the Zumeris patent and the Matsuda patent.

Each of claims 10-12 depends from claim 7. Therefore, claims 10-12 could not be rendered obvious by any combination of the Zumeris patent and the Matsuda patent.

Accordingly, it is respectfully requested that the rejection of claims 7 and 10-12 under 35 U.S.C. § 103(a), as being unpatentable over the Zumeris patent in view of the Matsuda patent, be reconsidered and withdrawn.

Claims 8 and 9

The rejection of claims 8 and 9 under 35 U.S.C. § 103(a), as being unpatentable over the Zumeris patent in view of the Matsuda patent as applied to claim 7 above, and further in view of common knowledge in the art is respectfully traversed based on the following.

Claims 8 and 9 depend from claim 7 and as the preceding arguments demonstrated, the combination of the Zumeris patent and the Matsuda patent fails to disclose or suggest a compression member as required in claim 7. Similarly, common knowledge in the art fails to disclose the feature of a compression member for pressing a drive member against a driven member such that the drive member and the driven member are in a state of intermittent contact under conditions near the condition of transition from the intermittent